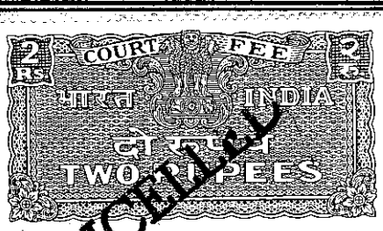


CANCELLED CANCELLED CANCELLED

CF-152 (1) (3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR C.G.

Single Bench

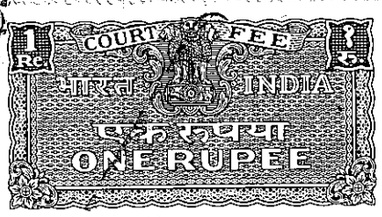
Civil Revision No...01...of 2004

Applicant
Plaintiff. : Chamra Son of Bihari, age 45 years
Resident of village Dand Bachhali
P.S. and Tahsil Kargi Road,
Distt Bilaspur C.G.

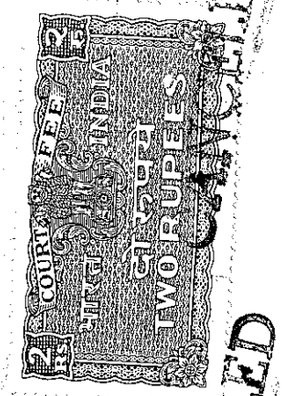
Versus

Non-Applicant
Respondents. : 1) ~~Xxxx~~ Hiralal Son of Soorajbali
age 40 Years, R/o Gran Dand Bachhali
Thana & Tah. Kota.

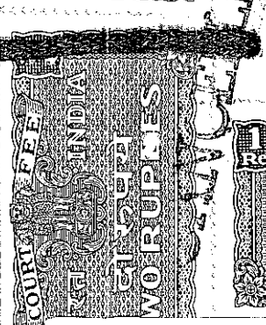
2) Shri R.P.Mishra, the then Tahsildar
Kota Through Collector, Bilaspur. C.G.



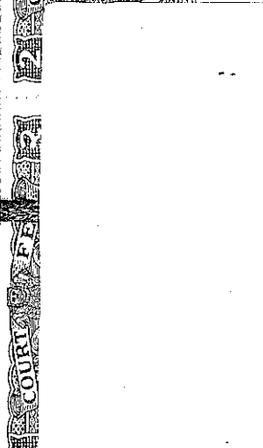
CIVIL REVISION UNDER SECTION 115 OF THE CIVIL PROCEDURE CODE.

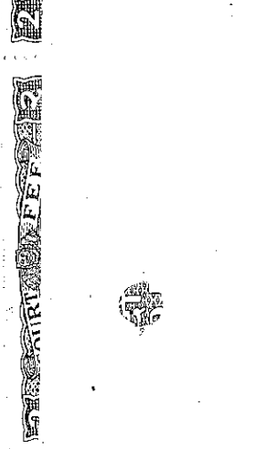


CANCELLED



CANCELLED





XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(21)

आदेश पत्रक

मामला क्रमांक CR 01 सन् 2004

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

2.3.2005:

None appears for the applicant even at the second call.

This revision petition has been filed by the applicant against the impugned order dated 12.9.2003 passed by Civil Judge Class I Bilaspur, in MJC No. 33/2002 by which the execution application filed under Order 21 Rule 32 of the CPC was dismissed on the ground that the applicant has failed to prove that non applicant committed any breach of the judgment and decree dated 26.2.97 passed by Civil Judge class II Bilaspur in Civil Suit No. 56-A/96.

However, in view of the amended provisions of section 115 of the CPC and in view of the decision of the Supreme Court in the matter of **Shiv Shakti Coop. Housing Society, Nagpur Vs. Swarj Developers and others reported in (2003) 6 SCC 659** and in the matter of **Surya Dev Rai Vs. Ram Chander Rai and others reported in (2003) 6 SCC, 675**, the instant revision is not maintainable as even if the application of the applicant was entertained by the court below, execution proceedings would not have been terminated.

Thus in view of the amendment in section 115 of the CPC and the judgment of the Supreme Court mentioned above, this revision petition is dismissed as not maintainable.

Sd/-
Dhirendra Mishra
Judge

(पीछे देखिये)